

May 18, 1992

CD-92-03 (LDV, LDT, ICI SM)

Dear Manufacturer:

SUBJECT: Waivers of Tier 1 Particulate Matter Data Submittal Requirement for Otto-Cycle Vehicles

This letter clarifies EPA's intentions regarding data submittal requirements for certification of gasoline-and methanol-fueled Otto-cycle vehicles to the Tier 1 particulate standards (56 FR 25724, June 5, 1991). It is the Agency's belief, supported by comments received from manufacturers during the Tier 1 public comment period, that particulate matter emissions from current technology gasoline-and methanol-fueled Otto-cycle vehicles are far below the Tier 1 particulate matter standards.

Due to the lack of a compliance threat, the Agency promulgated the Tier 1 rule with a provision allowing waivers for particulate matter data submittal requirements for certification of such vehicles. As described in the regulations in 40 CFR 86.09423(c)(1), the Administrator may allow the manufacturer to demonstrate conformance with such standards " . . .on the basis of previous emission tests, development tests, or other information . . ." in lieu of providing actual emission data for the engine family being certified.

Notwithstanding the waiver provision, which clearly indicates the Agency's intent to minimize the burden on manufacturers, some manufacturers have expressed concerns that a testing burden may still exist. This potential burden has been viewed as both costly and of little or no environmental value. The Agency agrees that such testing on current technology gasoline-and methanol-fueled Otto-cycle vehicles would be of little value, and does not wish to impose such a burden on manufacturers of such vehicles.

In the Agency's view, engineering judgement can provide the basis for the determination that there is a negligible possibility that a vehicle design would have particulate levels that approach the standard, based on generally accepted data on vehicles of similar technology. In these cases, it would be sufficient for the manufacturer to request a waiver from the otherwise applicable data submittal requirement by stating in each application for certification that the vehicle design is substantially similar to existing designs that have particulate levels significantly below the standard, and that this vehicle is expected to demonstrate similar characteristics. Data from the manufacturer's own vehicles

would not be necessary to support this assertion. Thus, for current technology gasoline-and methanol-fueled Otto-cycle vehicles, the Agency would accept such a statement from the manufacturer in lieu of data submittal and confirmatory testing for particulate levels. However, the Tier 1 particulate standards would continue to be applicable, and these vehicles would thus be subject to recall if they fail Tier 1 particulate levels in-use. In addition, the Agency reserves the right to revoke use of the waiver provision where it has clear indication of the abuse of this privilege.

The Agency believes that this approach, which is consistent with the language and intent of the Tier 1 rule, provides relief from a testing and/or data submittal burden that some manufacturers may be perceived as necessary. In addition, the EPA believes that this approach will have no adverse effect on the environment. If you require additional clarification of this provision, please contact Mr. Eldert Bontekoe at (313) 668-4442.

Sincerely,

Robert E. Maxwell, Director  
Certification Division  
Office of Mobile Sources